

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**M E M O R A N D U M**

Honorable Kimberly J. Mueller  
United States Magistrate Judge  
Sacramento, California

**RE: Kenneth M. JOHNSON, II**  
**Docket Number: 2:03CR00310-01**  
**RECOMMENDATION TO DISMISS VIOLATION**  
**PETITION AND VACATE COURT HEARING**  
**SET FOR JULY 19, 2007**

Your Honor:

On March 9, 2007, a three-count Violation Petition was filed alleging the following: Charge 1: Failure to Submit Monthly Supervision Reports Within the First Five Days of Each Month; Charge 2: Failure to Pay Restitution; and Charge 3: Failure to Notify the Probation Officer of Change of Employment. An initial hearing was scheduled for March 15, 2007, at 10:00 a.m. Following several subsequent court appearances, the case was continued to July 19, 2007, at 10:00 a.m. for a status conference.

On July 6, 2007, Mr. Johnson submitted his final payment toward the restitution imposed in this case, thereby satisfying all financial obligations imposed by the Court. Although three technical violations were alleged in the Violation Petition, the Probationer has caught up with all delinquent Monthly Supervision Reports and has maintained gainful employment throughout the course of his supervision.

Following several discussions with the United States Attorney's Office and the Probationer's attorney, it is respectfully recommended the Court dismiss the Petition filed March 9, 2007, and vacate the hearing scheduled for July 19, 2007. Based on Your Honor's previous Order, based on the Probationer's full satisfaction of this restitution Order, the term of probation in this case will be terminated.

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Respectfully submitted,

/s/ Michael A. Sipe

**MICHAEL A. SIPE**  
**Senior United States Probation Officer**

Dated: July 17, 2007  
Roseville, California  
MAS:jc/cd

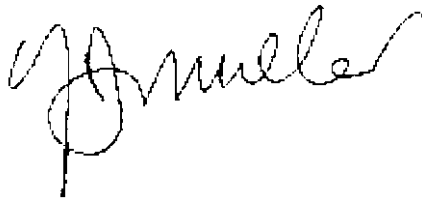
REVIEWED BY: /s/ Richard A. Ertola  
**RICHARD A. ERTOLA**  
**Supervising United States Probation Officer**

cc: Kari Ricci  
Assistant United States Attorney

Tim Zindel  
Assistant Federal Defender

AGREE:   X  

DISAGREE: \_\_\_\_\_



**KIMBERLY J. MUELLER**  
United States Magistrate Judge

July 25, 2007  
DATE  
nunc pro tunc to  
July 17, 2007.